UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1047
9 August 1994

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1047th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 August 1994, at 10 a.m.

Chairman: Mr. GARVALOV

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GE.94-18246 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Ninth and tenth periodic reports of Senegal (CERD/C/209/Add.7) (continued)

1. At the invitation of the Chairman, Mr. Guissé and Mr. Ndiaye (Senegal) took places at the Committee table.

2. Mr. GUISSE (Senegal), replying to questions put by members at the previous meeting regarding Senegal's combined ninth and tenth reports (CERD/C/209/Add.7), said Mr. Banton had asked whether people in Senegal had ever been denied access to housing on ethnic grounds. To his knowledge, there had never been any such discrimination: housing was allotted according to a person's family situation and ability to pay, but not on the grounds of ethnic origin. Mr. Banton had also asked for information about any actual cases of discrimination which had occurred. As far as he knew, no cases of alleged racial discrimination had come before the courts. Mr. Banton's third question had concerned access to the justice system for victims of racial discrimination. Legal procedures existed for informing victims of racial discrimination of their right to redress under domestic law, which incorporated the relevant international instruments such as the Convention, but as far as he knew those procedures had never been invoked.

3. Mr. Song Shuhua had remarked that many of the laws mentioned in Senegal's combined ninth and tenth periodic reports had been passed many years before. He could assure the Committee that those laws were not immutable; they had been amended over the years to reflect changing circumstances and there was no reason why they should not be further modified when necessary.

4. Members had asked about alleged forced disappearances and other acts of violence in the Casamance region. His delegation had written information which it would distribute to the Committee at the end of the meeting. For the present, he would merely say that the investigation into events in Casamance was still in progress.

5. In response to a question about the media, he said that they were controlled by the Minister for Information and a radio and television supervisory council, which regulated the broadcasting of information in written, oral or picture form. During electoral campaigns, the supervisory council was responsible for allocating broadcasting time to the various political parties. The Council was entirely independent, consisting of academics, members of the judiciary, and media professionals of all political persuasions. Its president was a member of the Court of Appeal. There had sometimes been complaints of inequitable allocation of broadcasting time after electoral campaigns, but the council had never been found guilty of deliberate discrimination.

6. The Chairman had asked why political parties based on ethnic or religious criteria were prohibited. The Senegalese Government considered that such a party might incite divisions or conflicts within Senegalese society. There

was no intention of restricting freedom of association; anyone was free to found a political party, provided that it was not based on ethnic or religious criteria.

7. His delegation would make additional written information available to the Committee, and undertook to answer any questions arising from it in the country's next periodic report. He welcomed the close cooperation between his country and the Committee and thanked members for their questions, comments and advice.

8. Mr. DIACONU (Country Rapporteur) thanked the Senegalese representative for his detailed answers to the Committee's questions. The report and oral presentation showed that the Senegalese Government took a positive view of the situation regarding racial discrimination in the country. However, it was important not to be complacent; there must surely be some areas where the situation was less than perfect.

9. He was still concerned about the situation in the Casamance region. The events of 1992 and 1993 had not been the first cases of ethnic conflict in the area. He hoped that the current conciliation efforts would restore calm and eventually restore peace. In the meantime, the Government must remain vigilant to prevent further bloodshed among innocent civilians.

10. The CHAIRMAN thanked the Senegalese representative for his explanation of the prohibition of political parties based on religious or ethnic criteria, and expressed his satisfaction at the constructive and continuing dialogue established between the Committee and the Government of Senegal.

11. Mr. Guissé and Mr. Ndiaye (Senegal) withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Liaison with other international human rights bodies

12. The CHAIRMAN recalled that a number of members had been designated to maintain liaison with other treaty bodies and international bodies dealing with human rights. Some mandates had expired at the end of 1993, and the Committee must now decide whether to renew them. The members concerned were: Mr. Ahmadu (Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid); Mr. Banton (Committee on the Elimination of Discrimination against Women); Mr. Diaconu (Committee against Torture); Mr. Ferrero Costa (Sub-Commission on Prevention of Discrimination and Protection of Minorities); Mr. de Gouttes (Parliament of the European Union and Council of Europe); Mr. Lechuga Hevia (Committee on the Rights of the Child); Mrs. Sadiq Ali (Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities); Mr. van Boven (Committee on Economic, Social and Cultural Rights); Mr. Wolfrum (Human Rights Committee); Mr. Yutzis (Commission on Human Rights). He suggested that the Committee should extend the mandates of the members concerned until the end of 1994 and that the matter should be fully discussed at the Committee's next session in February-March 1995.

13. Mr. RECHETOV pointed out that other members had been entrusted with maintaining liaison with international human rights bodies. For instance, he himself was responsible for liaison with the High Commissioner for National Minorities of the Conference on Security and Cooperation in Europe. Was his mandate to be extended as well?

14. The CHAIRMAN said the mandates he had listed had already expired. Mr. Rechetov's mandate was valid until the end of 1995.

15. Mr. ABOUL-NASR asked for a full list of the bodies with which the Committee sought to maintain liaison and the members responsible for each. He noted that a member had been appointed to maintain liaison with two European organizations; surely it would be appropriate to contact organizations in other regions as well.

16. Mr. DIACONU said that he was not sure exactly who was responsible for obtaining information about the bodies concerned. If members were expected to do so themselves, they would need a few basic details from the Secretariat, such as the contact address of each body, the name of its chairman and the dates of its next session. If it was the Secretariat's responsibility to obtain the information, it should provide members with the latest reports of the body concerned. Members should be prepared to brief the Committee about the substantive activities and working methods of the bodies for which they were responsible.

17. Mr. RECHETOV said that, in his experience, it was difficult even to make contact with organizations outside the United Nations system.

18. Mrs. SADIQ ALI said that she had given up trying to obtain information from the Working Group on Indigenous Populations after writing to them several times without success.

19. Mr. ABOUL-NASR said that the whole procedure seemed to have escalated out of all proportion. The Committee should review it thoroughly at the next session and decide whether to retain it.

20. Mr. WOLFRUM said that if the liaison system was to continue, the Committee should consider establishing contact with the recently appointed United Nations High Commissioner for Human Rights, who could make a valuable contribution to its work.

21. Mr. SHERIFIS suggested that the Committee should extend the mandate of members appointed to liaise with international human rights bodies until the next session, when the Committee's agenda should provide for a full discussion and review of the liaison system.

22. Where the High Commissioner for Human Rights was concerned, he should be invited to address the Committee at every session, as should the Assistant Secretary-General for Human Rights. It was unfortunate that the Committee's sessions always coincided with those of other important human rights bodies such as the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which increased the demands on the time and resources of the Secretariat.

23. Mr. BANTON said that members of the Committee had been appointed to liaise with other international human rights bodies pursuant to recommendations made in the report of the third meeting of persons chairing the human rights treaty bodies (A/45/636, annex). However, at the fourth meeting, it had been recommended that, at the end of each session of the treaty bodies, a short analytical summary of the session should be prepared and circulated to other committees (A/47/628, annex). It had not been specified whether that procedure was to replace the liaison system and the Chairman should request clarification of that point at the 5th meeting. If the liaison system was to be discarded, the Committee need not take up valuable time discussing it at the forty-sixth session. The 5th meeting should also consider relations with United Nations bodies other than treaty bodies, between treaty bodies and regional organizations and suggest how contact could be established with persons such as the High Commissioner for Human Rights. The Committee had appointed a member to liaise with the European Union (formerly the European Community) because it was the only regional institution to be proposed at the time.

24. The CHAIRMAN said that links with the Union had also been encouraged because of its work to combat racism and xenophobia.

25. Mr. FERRERO COSTA said he agreed that the Committee should re-examine its relations with United Nations bodies at the forty-sixth session. The original aim of liaison had been to overcome the Committee's isolation and lack of feedback from other bodies. However, it had resulted in contacts with many United Nations organs and committees, and the work of some of them was of greater interest to the Committee than that of others. Therefore, the Committee should select the most relevant committees, establish permanent contact with them and then ensure that their work was reported on at every session. The Committee should also engage in regular dialogue with a representative of the Secretary-General and the High Commissioner for Human Rights.

26. Mr. de GOUTTES said that he was in favour of extending the mandate of members chosen to liaise with other international human rights bodies until the forty-sixth session. Despite the fact that it was often difficult for members to establish and, above all, maintain contact with such bodies, the system was basically sound and should continue. The Committee needed to organize its time more efficiently so that the reports by members could be heard at least at every other session. The establishment of contact with other regional bodies whose work was of interest to the Committee would be a valuable initiative, and complement the good relations maintained with the Parliament of the European Union and the Council of Europe.

27. Mr. ABOUL-NASR said he did not consider that the appointment of liaison officers was the best solution, since there were many organizations to contact and liaison officers were often at a loss as to how to proceed. The information that the Committee sought was generally contained in the reports, statements and decisions of various United Nations organs such as the Security Council, the General Assembly, and the Economic and Social Council, much of whose work was now of relevance to human rights, and in those of other bodies, including regional organizations. Such information was available at Headquarters in New York. What was needed was a system that would ensure the

Committee received such of that information as was pertinent to its work and, in his view, that was a task for the Secretariat. The representative of the Secretary-General seemed to be present less frequently than in the past at meetings of the Committee to provide advice and information. Perhaps it would be useful to raise the question of information with the High Commissioner for Human Rights or the Assistant Secretary-General for Human Rights when they attended a meeting of the Committee. It appeared to him that the Committee received much less information and documentation than in former years; for example, despite repeated requests he no longer received information on Non-Self-Governing Territories, an important area of the Committee's work. In addition, the summary records, instead of appearing two or three days after the relevant meeting, currently did not reach members of the Committee until the end of a session.

28. The CHAIRMAN said that the Committee would have an opportunity to discuss those concerns, which were shared by many of its members, with the Assistant Secretary-General at its next meeting and with the High Commissioner for Human Rights during the following week.

29. Mr. van BOVEN said that while no doubt much could be improved, it was clear that the Secretariat was currently operating under considerable pressure and was subject to great constraints. Its human and material resources had not kept pace with the many new tasks entrusted to it. The blame for the problems the Committee was experiencing could not all be laid at the door of the Secretariat or of the Secretary-General. The cause lay deeper in that most States Members of the United Nations were reluctant in the present financial climate to approve any increase in its resources, particularly in the field of human rights, despite the many urgent and increasing demands on those resources. It would be useful to discuss the problem with the High Commissioner for Human Rights, who might be able to suggest a fresh approach. He agreed it was essential for the Committee to be assured of receiving information from other United Nations bodies, to which it could supply useful information in its turn. The Committee would benefit from a knowledge of the substantive matters being discussed by other human rights bodies, both regional and global. In particular, the meetings of chairpersons and members of international human rights treaty bodies could do much to facilitate an exchange of experience on procedures and methods of work with a view to increasing their effectiveness. He shared the view that the liaison system that had been established in recent years had not perhaps operated as well as it might have done and that further consideration should be given to ways of improving it.

30. Mr. JOHNSON (Secretary of the Committee) said that every effort was made to provide members of the Committee with adequate documentation at the start of each session. More information was currently being supplied than in earlier years; in addition to the previous reports of all countries under review at the session concerned, members now received relevant summary records in all languages together with the concluding observations made on the countries concerned by other treaty bodies. The relevant country reports from the Special Rapporteurs and Thematic Rapporteurs appointed by the Commission on Human Rights were also included; where they were missing, it was due to late delivery and they would be distributed as they arrived. Every effort had been made to make information received from regional organizations available to Committee members.

31. With regard to information relating to article 15, the working papers submitted to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples were always made available to the Committee. During the past two years the Committee had decided not to appoint working groups to consider the matter; instead, it had adopted decisions observing that it found it impossible to fulfil its functions under article 15. While it was for the Committee to decide its action with regard to article 15, it should note that a considerable volume of documentation on the subject was held by the Secretariat and was available for consultation by the Committee should it wish at any point to resume the practice of appointing working groups to consider the matter.

32. Mr. ABOUL-NASR welcomed those explanations and expressed warm appreciation of the work the Secretary was accomplishing under difficult conditions. Nevertheless, he still considered that some improvements could be made in providing the Committee with the assistance it needed to accomplish its task.

33. Mr. VALENCIA RODRIGUEZ said he associated himself with the expression of appreciation of the assistance provided by the Secretary. Not only had the work of all the United Nations bodies increased in recent years, but there had also been a considerable rise in the number of bodies involved in work in the human rights sphere. In addition, there had been an increase in the number of States Members of the United Nations and in the number of States parties to the Convention. The resultant expansion of information and documentation had made the work of the Secretariat more difficult. Appropriate measures were thus necessary to ensure better coordination of the flow of information so that it reached the Committee at the proper time.

34. Mr. FERRERO COSTA said he shared the views of Mr. Aboul-Nasr and Mr. Valencia Rodriguez on the need for timely receipt of information. It was recognized, however, that increasing pressures were making achievement of that aim extremely difficult; the comments made should not therefore be construed as criticism of the Secretariat. The Committee in its entirety was fully satisfied with the cooperation it was receiving from the Secretary, as well as from the representative of the Secretary-General, and had absolute confidence in them.

35. The CHAIRMAN said he was persuaded that the Secretary, the representative of the Secretary-General and the other members of the Secretariat were aware of the high value the Committee placed on their cooperation and of its warm appreciation of their efforts on its behalf.

36. In the light of the discussion, he suggested that the mandates of members designated as liaison officers with other treaty bodies and regional organizations should be extended up to the Committee's forty-sixth session (27 February-17 March 1995), at which it would carry out a comprehensive review of the liaison officer system and decide on the further action to be taken in that respect.

37. It was so agreed.

The meeting rose at 12 noon